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May 14, 2015

By Certified Mail, Return Receipt Requested

James Justice
U.S. EPA, Region 5
25063 Center Ridge Road
Westlake, Ohio 44145

Re: In re Statoil Eisenbarth Well Pad Site, Clarington, Ohio Administrative Settlement Agreement and Order on Consent for Removal Action, Docket No. V-W-14-C-012 (effective August 20, 2014)

Dear Mr. Justice:

Thank you for your letter dated April 29, 2015, addressing open items identified by Statoil USA Onshore Properties Inc. ("Statoil") in a letter that Mr. Steve Tink submitted to the United States Enviromental Protection Agency ("EPA") on March 13, 2015. I received the April 29 letter on May 5, 2015. Pursuant to the terms of the above referenced settlement agreement, our response to this letter is timely made within seven (7) business days of receipt.

As EPA requested, Statoil has updated the proposed schedule of tasks to reflect EPA's modifications accompanying the April 29 letter. The enclosed table transmits a comprehensive work plan schedule. *See* Attachment 1. Statoil will adhere to this schedule, but reserves the right to seek extensions from EPA pursuant to the terms of the settlement agreement, as needed and appropriate.

There are two items raised in EPA's April 29 letter that Statoil wishes to address. First, EPA has instructed Statoil to calculate no-observed-adverse-effect levels ("NOAELs") and lowest-observed-adverse-effects levels ("LOAELs") as part of the WST testing and to report such end points as part of the WST testing results. *See* April 29 letter at 3. As Statoil explained in its March 13 letter, the analytical laboratory initially retained to perform this testing indicated to Statoil that such levels could not be calculated for sediments. Upon receipt of EPA's April 29 letter, Statoil contacted a different analytical laboratory to determine if it could calculate NOAELs and LOAELs for sediment. This second laboratory similarly represented to Statoil that

such values could not be calculated for sediment. Statoil respectfully requests guidance from EPA regarding the method for performing NOAELs and LOAELs for sediment. Statoil also requests an opportunity to speak with EPA and its laboratory about the calculation of NOAELs and LOAELs for sediment. Without this guidance from, and discussion with, EPA, Statoil is concerned that it cannot fulfill EPA's modification to the work plan.

Second, Statoil does not agree with the statement in the April 29 letter that there are "elevated levels" of TTPC in surface soils at the well pad. *See id.* at 2. As you know, there have been many samples (for all media, not just soil) that are non-detect for TTPC. Further, any detectable levels of TTPC in the soil have been orders of magnitude below the established action level. *See* Statoil Site Investigation Report for the Ohio Department of Natural Resources, March 10, 2015 at 13, 14. Statoil has used the EPA-suggested TTPC screening level of 1 part per billion ("ppb") for water, which includes an uncertainty factor of 10. A formula established by EPA was then applied to translate this screening level for water to a screening level for soil, taking into account TTPC's binding affinity for soil. The screening level for soil (and sediment) is 859.33 parts per million (or 859,330 µg/kg). Accordingly, Statoil disagrees with EPA's characterization that a level of 6.4 ppm – the highest level detected in the December sampling event – is "elevated." It is less than 1% of the established screening level for TTPC in soil.

As EPA requested, Statoil will remove surface soils along the southern edge of the well pad as depicted in the attached map. *See* Attachment 2. The planned length of the excavation area is 170 feet, and incorporates SB-33, SB-35 and SB-36. The width of the area is proposed at a maximum of 50 feet due to the immediate slope change on the southern portion of the pad. This may change in the field due to the safe reach of equipment from the pad; however the excavation area will not be less than 25 feet in width.

* * * * *

Please have Ms. Portnoy or Ms. Barton contact me to arrange a teleconference to discuss the calculation of NOAELs and LOAELs, or you may contact Ms. Kristy Bellows directly. We look forward to guidance from EPA on this issue. Further, please let us know if EPA has any questions regarding this letter, the revised work plan schedule (Attachment 1), or the map depicting the surface soil that will be removed (Attachment 2).

Sincerely,

Ilana Saltzbart

Enclosures: Attachment 1 (revised work plan schedule)
Attachment 2 (surface soil removal map)

cc: Kim Portnoy, U.S. EPA, Region 5
Kasey Barton, U.S. EPA, Region 5
Steve Tink, Statoil
Kristen Bellows, Statoil
Thomas Gottsegen, Statoil

Attachment 1

Eisenbarth Well Pad Site – Revised Work Plan Schedule	
Description of Actions	**Time Required for Task**
1. Review and evaluate data collected as of March 2, 2015 for 15.a.i.	April 13, 2015
2. Submit report of evaluation of data collected as of March 2, 2015 for 15.a.i.	May 27, 2015
3. Review and evaluate data collected as of March 2, 2015 for 15.a.ii.	June 8, 2015
4. Submit report of evaluation of data collected as of March 2, 2015 for 15.a.ii.	July 22, 2015
5. Perform three sampling events to evaluate surface waters and sediments for 15.a.ii.	To begin after May 10, 2015, (i.e., one month following discontinuation of containment activities, which occurred on April 10, 2015), as follows: (a) One sampling event following a significant rain event, (b) One sampling event following a minimum of a three-day period with no rain event, and (c) One event in Fall 2015.
6. Review and evaluate data from the three sampling events specified in 5, above.	14 weeks from Statoil's receipt of the data from the analytical laboratory for the third sampling event.
7. Submit report of evaluation of data from the three sampling events specified in 5, above.	16 weeks from Statoil's receipt of the data from the analytical laboratory for the third sampling event.
8. Perform one sampling event of the groundwater monitoring wells described in the Site Investigation Report prepared by Statoil for the Ohio Department of Natural Resources.	Late June, 2015
9. Perform WET, WSTT, and biological assessment.	End of Third Quarter, 2015
10. Perform WET, WSTT, and biological assessment.	End of Third Quarter, 2016
11. Review and evaluate data for 15.a.iii, including WET, WSTT, and biological assessment.	Fourth Quarter, 2016
12. Write report of evaluation of data for 15.a.iii, including WET, WSTT, and biological assessment.	Fourth Quarter, 2016

Eisenbarth Well Pad Site – Revised Work Plan Schedule	
Description of Actions	**Time Required for Task**
13. Remove surface soils along the southern edge of the well pad as depicted in the map attached to Statoil's May 14, 2015 letter to EPA, Attachment 2.	This work will be performed during pad reconstruction.
14. Perform one final sampling event of the following twelve sampling locations (which are depicted in Attachment 2 to Statoil's March 13, 2015, letter to EPA): SW02, SW04, SW06, SW08, SW17, SW18, SW20, SW21, SW24, SW25, PD03, and PD07.	Sampling event expected to be conducted in August 2015, subject to the following conditions: (a) Statoil has received a formal determination from ODNR that pad remediation is complete, and (b) Statoil has completed pad reconstruction. Statoil will notify EPA not less than 3 business days in advance of this sampling event.

Attachment 2

TTPC Soil Sample Detections Post Clean-Up Activities
Ohio Operations Incident

Project: 106393
Client: Statoil
City: Hannibal, OH
County: Monroe

Location	Type	Depth	Result (ug/Kg)
SB-01	Sample	0-2	39.7
		2-4	< 0.286
SB-02	Sample	0-2	0.286
		4-6	< 0.264
SB-03	Sample	0-2	0.812
SB-04	Sample	0-2	< 0.277
		2-4	< 0.258
SB-05	Sample	0-2	< 0.262
		2-4	< 0.261
SB-06	Sample	0-2	2.65
		24-26	< 0.288
SB-07	Sample	0-2	26.4
		4-6	0.542
SB-08	Sample	0-2	52.2
		4-6	< 0.265
SB-09	Duplicate	2-4	< 0.266
	Sample	0-2	39
		2-4	< 0.266
SB-10	Sample	0-2	113
		2-4	11.8
SB-11	Sample	0-2	78.3
		4-6	19.4
SB-12	Sample	0-2	16.3
		2-4	0.757
SB-13	Sample	0-2	12
		4-6	0.413
SB-14	Sample	0-2	23.4
		2-4	3.57
SB-15	Sample	2-4	13.7
		26-28	< 0.287
SB-16	Sample	0-2	720
		8-10	7.85
SB-17	Sample	0-2	< 0.312
		26-28	< 0.272
SB-18	Sample	0-2	10.7
		32-34	0.275
SB-19	Sample	0-2	1.14
		2-4	6.65
SB-20	Sample	0-2	0.343
		32-34	< 0.27
SB-21	Sample	0-2	0.355
		10-12	< 0.281
SB-22	Duplicate	0-2	70.5
	Sample	0-2	16.2
		6-8	< 0.268
SB-23	Sample	0-2	5.23
		18-20	< 0.301
SB-24	Sample	0-2	27.1
		8-10	< 0.267
SB-25	Sample	0-2	11.1
		12-14	0.336
SB-26	Sample	0-2	36.8
		6-7	< 0.264
SB-27	Sample	0-2	35.3
		2-4	0.645
SB-28	Sample	0-2	1.75
		10-12	< 0.275
SB-29	Sample	0-2	52.4
		28-30	0.567
SB-30	Sample	0-2	0.949
		10-12	< 0.284
SB-31	Sample	0-2	14.9
		2-4	0.647
SB-32	Sample	0-2	106
		30-31	< 0.287
SB-33	Duplicate	0-2	225
	Sample	0-2	2080
		8-10	53.1
SB-34	Sample	0-2	94.5
		8-10	< 0.274
SB-35	Sample	0-2	6470
		2-4	3070
SB-36	Sample	0-2	2870
		4-6	8.91
SB-37	Sample	0-2	96.3
		2-4	8.28
SB-38	Sample	0-2	13.3
		2-4	13.6
SB-39	Sample	0-2	22.5
		2-4	16.2
SB-40	Sample	0-2	68.3
		2-6	9.09
SB-41	Sample	0-2	3.61
		2-4	< 0.273
SB-42	Duplicate	0-2	0.396
	Sample	0-2	< 0.293
		2-4	< 0.304

0 50 100 Feet

PROJECTION SYSTEM: *UTM Zone 17N*
COORDINATE SYSTEM: *North American Datum 1983*

Legend

- Proposed Excavation Area
- Non-Exceedance
- Exceedance

TTPC Soil Screening Level = 859,300 ppb